

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHANE T. ROBBINS,

Petitioner,

-vs-

Case No. 15-C-1343

**WILLIAM POLLARD,
Warden, Waupun Correctional
Institution,**

Respondent.

DECISION AND ORDER

Pro se Petitioner Shane T. Robbins, a state prisoner, seeks leave to proceed *in forma pauperis* (ECF No. 2) on his petition for a writ of habeas corpus pursuant 28 U.S.C. § 2254.

To authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing the action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a)(1) and (e)(2). With respect to Robbins' ability to pay the \$5.00 filing fee, his inmate trust statement discloses that his regular account balance is \$84.81, with average monthly deposits for the past six months of \$128.44. Thus, despite his child support obligations, Robbins demonstrates an ability to pay the fee for filing this action.

Therefore, Robbins' motion for leave to proceed *in forma pauperis* is denied. Robbins is advised that if he does not pay the fee by the stated deadline, this action will be dismissed without further order of the Court. See Civil L.R. 41(c).

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Robbins' motion for leave to proceed *in forma pauperis* (ECF No. 2) is **DENIED**.

Robbins **must** pay the \$5.00 filing fee **no later than December 14, 2015**.

Dated at Milwaukee, Wisconsin, this 13th day of November, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge